



HARERA
GURUGRAM

HARYANA REAL ESTATE REGULATORY AUTHORITY
GURUGRAM

हरियाणा भू-संपदा विनियामक प्राधिकरण, गुरुग्राम

New PWD Rest House, Civil Lines, Gurugram, Haryana नया पी.डब्ल्यू.डी. विश्राम गृह, सिविल लाईंस, गुरुग्राम, हरियाणा

PROCEEDINGS OF THE DAY		28
Day and Date	Tuesday and 21.12.2021	
Complaint No.	CR/1037/2021 Case titled as Rajni Bhagat VS Emaar MGF	
Complainant	Rajni Bhagat	
Represented through	Shri Ujjwal Tandon Advocate	
Respondent	Emaar MGF Land Limited	
Respondent Represented through	S/Shri J.K. Dang & Ishaan Dang Advocates	
Last date of hearing	19.10.2021	
Proceeding Recorded by	Naresh Kumari and HR Mehta	

Proceedings

The present complaint has been received on 19.02.2021 and the reply was received on 20.04.2021.

Succinct facts of the case as per complaint and reply are as under:

Sr. No.	Particulars	Details
1.	Name of the project	The Palm Drive, Sector 66, Gurugram, Haryana
2.	Unit no.	TPD G-206, 2 nd floor, tower no. G [annexure C2, page 37 of complaint]
3.	Provisional allotment letter dated	22.10.2007 [annexure C1, page 28 of complaint]
4.	Date of execution of buyer's agreement	06.02.2008 [annexure C2, page 33 of complaint]
5.	Possession clause	14. POSSESSION

An Authority constituted under section 20 the Real Estate (Regulation and Development) Act, 2016 Act No. 16 of 2016 Passed by the Parliament

भू-संपदा (विनियमन और विकास) अधिनियम, 2016 की धारा 20 के अर्तगत गठित प्राधिकरण
भारत की संसद द्वारा पारित 2016 का अधिनियम संख्यांक 16



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हरियाणा भू-संपदा विनियामक प्राधिकरण, गुरुग्राम
CR/103/2021

New PWD Rest House, Civil Lines, Gurugram, Haryana

नया पी.डब्ल्यू.डी. विश्राम गृह, सिविल लाईंस, गुरुग्राम, हरियाणा

		<p>(a) Time of handing over the Possession</p> <p><i>Subject to terms of this clause and subject to the Apartment Allottee having complied with all the terms and conditions of this Agreement, and not being in default under any of the provisions of this Agreement and compliance with all provisions, formalities, documentation etc. as prescribed by the Company, the Company proposes to hand over the possession of the Apartment/Villa/Penthouse by December 2010. The Apartment Allottee agrees and understands that the Company shall be entitled to a grace period of 90 days, for applying and obtaining the occupation certificate in respect of the Group Housing Complex. (emphasis supplied)</i></p> <p>[annexure C2, page 51 of complaint]</p>
6.	Due date of possession	31.12.2010 [Note: Grace period is not included]
7.	Total consideration as per statement of account dated 12.03.2021 at page 49 of reply	Rs.1,12,94,084/-
8.	Total amount paid by the complainants as per statement of account dated 12.03.2021 at page 50 of reply	Rs.1,13,19,735/-
9.	Occupation certificate	25.01.2018 [annexure R8, page 119 of reply]
10.	Offer of possession	24.02.2018 [annexure R9, page 121 of reply]
Note: Pendency of complaint before hon'ble NCDRC. The complainants have filed a complaint bearing no. 379/2015 against the respondent seeking		

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हरियाणा भू-संपदा विनियामक प्राधिकरण, गुरुग्राम
CA/1037/2021


New PWD Rest House, Civil Lines, Gurugram, Haryana नया पी.डब्ल्यू.डी. विश्राम गृह, सिविल लाईंस, गुरुग्राम, हरियाणा

possession and compensation for delay in delivery of possession. Now the matter is listed for hearing on 03.01.2022.

The complainants are seeking the following reliefs:

1. Direct the respondent to give possession of subject flat and to give delay possession interest on the amount paid by the allottee, at the prescribed rate, from the due date of possession till actual flat is handed over as per the proviso to section 18(1) of the Act.

The complainants-allottees have filed a complaint with respect to the same subject matter and is pending before Hon'ble NCDRC bearing no. 379/2015. Since, the matter is sub-judice, the present complaint stands dismissed. File be consigned to registry.


Vijay Kumar Goyal
Member


Dr. KK Khandelwal
Chairman
21.12.2021